

Message Text

UNCLASSIFIED

PAGE 01 STATE 037070
ORIGIN CEQ-01

INFO OCT-01 EUR-12 ISO-00 OES-06 COME-00 INT-05 AID-05
CIAE-00 ERDA-07 DODE-00 EB-08 EPA-04 INR-07 IO-13
L-03 NSF-02 NSC-05 NSAE-00 PM-04 USIA-15 SS-15 SP-02
FEA-01 OIC-02 SMI-01 /119 R

DRAFTED BY CEQ:GBERTRAND;OES/ENP/EN:CHSANDERS:SRS
APPROVED BY OES/ENP/EN:DRKING
NOAA:PFOX
INTERIOR:RPARSON
EUR/CE:RCASAGRANDE

-----180413 085706 /75

P 172237Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY BERN PRIORITY

UNCLAS STATE 037070

E.O. 11652: N/A

TAGS: SENV, IWC, SZ

SUBJECT: ENDANGERED SPECIES CONVENTION: U.S. SUBMISSION ON
FIN AND SEI WHALES

REFERENCE: (A) BERN 571; (B) STATE 20033; (C) STATE 19682

1. THE INCLUSION OF SOME POPULATIONS OF THE FIN WHALE AND
SEI WHALES FOR PROTECTION IN APPENDICES I AND II OF THE
CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA HAS BEEN DISCUSSED IN REFTELS.
SOME CONFUSION SEEMS TO HAVE ARISEN AS TO WHAT ACTUALLY
TOOK PLACE AT THE NOVEMBER MEETING IN BERN. SINCE THE INI-
TIAL U.S. REACTION TO THIS SITUATION WAS FORWARDED IN
CABLE NO. 20033, WE HAVE HAD OPPORTUNITY FOR DETAILED RE-
VIEW OF THIS ITEM AT BERN MEETING WITH DR. GERARD BERTRAND
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 037070

(CEQ) WHO SPOKE FOR THE U.S. AT THE MEETING DURING THE
PERIOD WHEN THE FIN AND SEI WHALE PROPOSAL WAS DISCUSSED.
DR. BERTRAND CONFIRMS THAT THE U.S. PROPOSAL, VOICED FROM
THE FLOOR, WAS AS MODIFIED BY THE INTERNATIONAL WHALING
COMMISSION COMMENTS (IN IUCN NOTIFICATION OF JULY 30, 1976)
IN ORDER TO BRING THE ORIGINAL U.S. PROPOSAL UP TO DATE
BASED ON THE RESULTS OF THE 1976 MEETING OF THE INTERNA-

TIONAL WHALING COMMISSION IN LONDON. THIS WAS EXPLICITLY
STATED BY THE U.S. DELEGATION IN DISCUSSING THE PROPOSAL

FROM THE FLOOR. THE ONLY OTHER COMMENT ON THE PROPOSAL
THAT WAS MADE FROM THE FLOOR DURING DISCUSSION WAS BY THE
DELEGATION OF CANADA WHICH INDICATED THAT IT UNDERSTOOD
THAT THE PROPOSAL PRESENTED WAS AS MODIFIED BY THE INTER-
NATIONAL WHALING COMMISSION COMMENTS AND THAT IT RE-
FLECTED THE CURRENT POPULATION STOCK DIVISIONS IN THE
1976 INTERNATIONAL WHALING COMMISSION SCHEDULE. THE
CHAIRMAN OF THE SUBCOMMITTEE, DR. PETER VAN BREE, INDICA-
TED THIS SAME UNDERSTANDING ON THE PART OF THE CHAIR
PRIOR TO THE ACTUAL VOTE. WITH THIS UNDERSTANDING THE
PROPOSAL WAS ADOPTED. IT IS THE POSITION OF THE U.S. THAT
THE CURRENT ERROR IN THE SECRETARIAT DOCUMENTS CAN BE
CORRECTED BY THE SECRETARIAT TO REFLECT WHAT ACTUALLY TOOK
PLACE WITHOUT ANY FURTHER FORMAL ACTION BY THE PARTIES.
THERE IS NO QUESTION THAT COMMITTEE 1 ADOPTED THE U.S.
PROPOSAL AS MODIFIED BY THE INTERNATIONAL WHALING COMMI5-
SION COMMENTS, IN ACCORDANCE WITH THE 1976 IWC SCHEDULE.
THE COMPLETE AND ACCURATE LISTING AS ADOPTED IN BERN
SHOULD BE AS FOLLOWS:

APPENDIX I

BALENOPTERA PHYSALUS 202

BALENOPTERA BOREALIS

APPENDIX II

BALENOPTERA PHYSALUS

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 037070

BALENOPTERA BOREALIS 203

FOOTNOTES:

202 (A) STOCK IN NORTH ATLANTIC-EAST GREENLAND-
ICELAND

(B) STOCK IN NORTH ATLANTIC-NEW FOUNDLAND-
LABRADOR

203 (A), NORTH PACIFIC STOCK

(B) STOCK IN AREA FROM 0° LONGITUDE TO 70° EAST
LONGITUDE, FROM THE EQUATOR TO THE ANTARCTIC
CONTINENT

(C) STOCK IN NORTH ATLANTIC OFF NOVA SCOTIA

2. WE BELIEVE THAT BERNEY'S PROPOSAL (REF A) FOR RECON-
SIDERATION OF SEI AND FIN WHALE LISTING BY POSTAL VOTE,
THEREBY SETTING ASIDE THE CONCLUSIVE--AND CLEARLY UNDERSTOO
AT THE TIME--ACTION ON THIS ITEM BY THE PARTIES IN
CONFERENCE, COULD SET REGRETTABLE PRECEDENT FOR POSSIBIL-

ITY OF SUBSEQUENTLY REOPENING ON A TECHNICALITY OTHER
DECISIONS OF THE PARTIES TAKEN AT BERN OR FUTURE CONFER-
ENCES.

3. RE BERNEY'S PROPOSAL PARA 2 REF A, WE BELIEVE IT
DESIRABLE THAT INDIVIDUAL STOCKS BE IDENTIFIED IN
ENDANGERED SPECIES CONVENTION APPENDICES. APPENDICES
SHOULD BE EXPLICIT AND SUFFICIENTLY DETAILED IN THEIR OWN
RIGHT IF THEY ARE TO BE OF MAXIMUM USEFULNESS AND BE
ACCORDED FULL WEIGHT INTERNATIONALLY. AS EXPLAINED IN
OUR COMMENTS ON SUBJECT IN REF C, WE DO NOT BELIEVE A
REAL PROBLEM IS PRESENTED BY FACT THAT IWC MEETS ANNUALLY
AND ENDANGERED SPECIES CONVENTION PARTIES CONFERENCE ONLY
EVERY TWO YEARS. WE ANTICIPATE LITTLE CHANGE IN IWC
SCHEDULE LISTINGS WHICH MIGHT CALL FOR MODIFICATION
ACCORDINGLY IN CONVENTION APPENDICES; SUCH SLIGHT CHANGE
AS MIGHT ONE DAY BECOME NECESSARY COULD READILY BE CIRCU-
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 037070

LATED FOR CONSIDERATION OF PARTIES BY POSTAL VOTE PROCEDURS

FYI; WE ALSO WOULD ANTICIPATE THAT SOME PARTIES
MIGHT OBJECT TO TYING ANY APPENDICES LISTINGS AUTOMATI-
CALLY TO DECISIONS OF ANOTHER BODY IN WHICH ALL PARTIES
WERE NOT REPRESENTED, WITHOUT OPPORTUNITY FOR CONVENTION
PARTIES THEMSELVES TO REVIEW AND CONCUR IN MATTER BEFORE
RELATED CHANGE IN APPENDIX LISTING TOOK EFFECT. END FYI.

4. RICHARD PARSONS (INTERIOR/FWS) WILL BE PREPARED TO
DISCUSS FOREGOING WITH BERNEY DURING HIS VISIT TO IUCN
WEEK OF FEBRUARY 21. HE ARRIVES MORGES FEBRUARY 20 AND
DEPARTS FOR U.S. FEBRUARY 23. HOTEL ARRANGEMENTS MADE.
NO RPT NO PLANS TO VISIT BERN. WILL TELEPHONE EMBOFF
BIZZC FROM MORGES.
HARTMAN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WHALES, SPECIES PROTECTION, ENDANGERED SPECIES, RESOLUTIONS, MEETINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 17-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE037070
Document Source: CORE
Document Unique ID: 00
Drafter: GBERTRAND;OES/ENP/EN:CHSANDERS:SRS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770057-1030
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770230/aaaabanq.tel
Line Count: 155
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a88d17c5-c288-dd11-92da-001cc4696bcc
Office: ORIGIN CEQ
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 BERN 571, 77 STATE 20033, 77 STATE 19682
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3291649
Secure: OPEN
Status: NATIVE
Subject: ENDANGERED SPECIES CONVENTION: U.S. SUBMISSION ON FIN AND SEI WHALES
TAGS: SENV, US, SZ, IWC
To: BERN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a88d17c5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009